

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**TA No.198 of 2018 (O&M)
Date of Decision : 14.11.2018**

Smt. Kavita and another

..... Petitioners

Versus

Praveen Kumar

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Lajpat Sharma, Advocate
for the petitioners.

Mr. Chiranshu Bansal, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This transfer application has been filed for transferring a suit filed by the respondent at Hathin, District Palwal to a competent Court at Karnal.

It has been averred that the respondent is the brother-in-law of the petitioner No.1 and the son-in-law of the petitioner No.2. There were disputes between the respondent and his wife, as a result of which four litigations are pending at Karnal, one of which was transferred from Hathin to Karnal. It is prayed that this litigation is a pressure tactic and it is difficult for the petitioners to face this litigation at Hathin and on the test of comparative prejudice it would be appropriate if the matter is

transferred to Karnal. It is further prayed that the evidence of the respondent is over and now the petitioners have to lead their evidence.

On the other hand counsel for the respondent has argued that all the other cases are between the respondent and his wife and the present is an independent suit and the fact that the other cases are pending at Karnal would have no bearing on the trial and decision of the suit and therefore, the revision should be dismissed. It can not be said that the argument raised by the counsel for the respondent is merit less. However, keeping in view of the close relation between the parties and the comparative hardship test, I deem it appropriate to transfer the suit to the Court of the Civil Judge (Senior Division) Karnal. Let the record of the case be sent to the Civil Judge (Senior Division) Karnal for marking it to a competent Court.

Parties through counsel are directed to appear before the said Court on 20.12.2018.

In the circumstances, the petition is disposed of.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

14.11.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No